

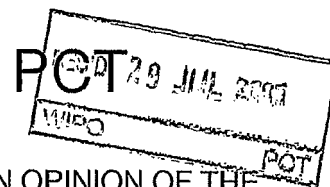
# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

22/9



WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY  
(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/US2005/008374

International filing date (day/month/year)  
11.03.2005

Priority date (day/month/year)  
11.03.2004

International Patent Classification (IPC) or both national classification and IPC  
B65G37/02

Applicant  
SHEETS, Philip

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office  
D-80298 Munich  
Tel. +49 89 2399 - 0 Tx: 523656 epmu d  
Fax: +49 89 2399 - 4465

Authorized Officer

Clivio, E

Telephone No. +49 89 2399-7251



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US2005/008374

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**Box No. I Basis of the opinion**

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1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ in written format
    - ☐ in computer readable form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in computer readable form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US2005/008374

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**Box No. V Reasoned statement under Rule 43*b*/s.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	4-7,9
	No: Claims	1-3,8
Inventive step (IS)	Yes: Claims	6
	No: Claims	1-5,7-9
Industrial applicability (IA)	Yes: Claims	1-9
	No: Claims	

2. Citations and explanations

**see separate sheet**

**Re Item V.**

- 1 Reference is made to the following documents:  
D1 = EP-A-0916406;  
D2 = US-A-2003/217947;  
D3 = US-A-5014868.
- 2 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1 and 8 is not new in the sense of Article 33(2) PCT.  
Document D1 discloses (the references in parentheses applying to this document):  
A transfer stabilizing support (puck (10)) and a process for conveying containers (sample tube (30)) secured to said stabilizing support along a table-top conveying system, said transfer stabilizing support comprising a bottom surface (end cap (16)) with an opening (central opening (152)), said bottom surface having an inner and an outer edge (see figures); a wall extending perpendicularly from said outer edge of said bottom surface (cylindrical housing (12)) forming a cup-like enclosure (see figures), said wall being designed to correspond with the base of a container (see: rounded concave surface (150)) and including ribs (engaging portions (136)) that project into the enclosure to hold the container base.  
The transfer stabilizing support further comprises a ridge area (projecting hub (144)) concentrically spaced from said projecting wall (see figures).  
All the features of claims 1 and 8 are therefore known from D1.
- 3 The additional features of claims 2, and 3 are also known from document D1.  
The additional features of claims 4, 5 and 7 are suggested by document D2, those of claim 9 are suggested by document D3.
- 4 The combination of the features of dependent claim 6 is neither known from, nor rendered obvious by, the available prior art.
- 5 The subject-matter of claims 1-9 is clearly industrially applicable (Article 33(4) PCT).
- 6 The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING  
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/US2005/008374

- 7 The Independent claims are not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art (document D1) being placed in the preamble (Rule 6.3(b)(I) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).
- 8 Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 is not mentioned in the description, nor is this document identified therein.